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**McANDREWS HELD & MALLOY, LTD.**  
**500 WEST MADISON STREET**  
**SUITE 3400**  
**CHICAGO, IL 60661**

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JUN 04 2007

**OFFICE OF PETITIONS**

In re Application of :  
Ronald L. Mahany et al :  
Application No. 10/692,959 : DECISION ON PETITION  
Filed: October 24, 2003 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 14407US02 :  
:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 4, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional and PCT applications set forth in the amendment submitted May 22, 2006. The amendment submitted with the petition deletes the improper "incorporation by reference" statement from the amendment of May 22, 2006.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 365(c) and 37 CFR 1.78(a)(2)(i) and (iii) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

As the petition for acceptance of an unintentionally delayed claim for benefit of priority under 35 U.S.C. §§ 120 and 365(c) satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

Petitioner is advised that the granting of this petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

Petitioner is also advised that, where an application claims a benefit under 35 U.S.C. §§ 120 and 365(c) of a chain of applications, each application must make a reference to the first (earliest) application and every intermediate application. See Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v. Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). See also MPEP § 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP Section 201.06(d). Petitioner should review the claim submitted to ensure that a reference is made to the first application and to every intermediate application. Additionally, the relationship of each application to the other must be clearly and properly stated.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the Examiner of Technology Center Art Unit 2616 for examination in due course and for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the above-noted, prior-filed applications.

  
Frances Hicks

Petitions Examiner  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt


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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/692,959	10/24/2003	2616	1870	14407US02	16	2

**CONFIRMATION NO. 1865**

23446  
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**CORRECTED FILING RECEIPT**


\*OC000000024202932\*

Date Mailed: 06/04/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

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**Domestic Priority data as claimed by applicant**

This application is a CON of 10/101,436 03/19/2002  
 which is a CON of 08/959,432 10/28/1997 PAT 6,359,872  
 which is a CON of 08/500,977 04/04/1996 PAT 5,682,379  
 which is a 371 of PCT/US93/12628 12/23/1993  
 which is a CIP of 08/027,140 03/05/1993 PAT 5,602,854  
 which is a CIP of 07/997,693 12/23/1992 ABN  
 which is a CIP of 07/982,292 11/27/1992 ABN  
 and said 08/027,140 03/05/1993  
 is a CIP of 07/558,895 07/25/1990 ABN  
 and is a CIP of 07/529,353 05/25/1990 ABN  
 and is a CIP of 07/854,115 03/18/1992 ABN  
 and is a CIP of 07/876,776 04/28/1992 ABN

and is a CIP of 07/876,629 04/30/1992 ABN  
This application 10/692,959  
is a CIP of 09/467,255 12/20/1999 PAT 6,749,122  
which is a DIV of 08/239,267 05/06/1994 PAT 6,006,100  
which is a CON of 07/876,776 04/28/1992 ABN  
which is a CIP of 07/558,895 07/25/1990 ABN  
which is a CIP of 07/529,353 05/25/1990 ABN  
and said 08/239,267 05/06/1994  
is a CIP of 07/854,115 03/18/1992 ABN  
which is a CIP of 07/558,895 07/25/1990 ABN  
This application 10/692,959  
is a CIP of 08/499,328 07/07/1995 PAT 6,654,378  
which is a CIP of 08/487,609 06/07/1995 PAT 5,790,536  
and is a CIP of PCT/US93/12628 12/23/1993  
and is a CIP of 08/239,267 05/06/1994 PAT 6,006,100  
and said 08/487,609 06/07/1995  
is a CIP of 08/279,148 07/22/1994 PAT 5,657,317  
and is a CIP of 07/876,629 04/30/1992 ABN  
and said 08/279,148 07/22/1994  
is a CIP of PCT/US94/05037 05/06/1994  
and is a CIP of 08/205,639 03/04/1994 PAT 5,555,276  
and is a CIP of 08/275,821 06/10/1994 ABN  
and said PCT/US94/05037 05/06/1994  
is a CIP of 08/198,404 02/22/1994 ABN  
which is a CON of 08/198,452 02/18/1994 ABN  
which is a CIP of 08/168,478 12/16/1993 ABN  
and is a CIP of PCT/US93/12628 12/23/1993  
and said 08/168,478 12/16/1993  
is a CIP of 08/147,377 11/03/1993 ABN  
which is a CIP of 08/101,254 08/03/1993 ABN  
which is a CIP of 08/085,662 06/29/1993 ABN  
which is a CIP of 08/076,340 06/11/1993 ABN  
which is a CIP of 08/062,457 05/11/1993 ABN

#### **Foreign Applications**

UNITED STATES OF AMERICA PCT/US93/12628 12/23/1993  
UNITED STATES OF AMERICA PCT/US91/00435 01/18/1991

**If Required, Foreign Filing License Granted:** 02/04/2004

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/692,959**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

#### **Title**

Wireless personal local area network

#### **Preliminary Class**

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the

national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).